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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/980,981      | 10/18/2001  | James C. Schroeder   | 1168PCT             | 2067             |

7590

11/10/2003

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| EXAMINER |
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ADDIE, RAYMOND W

|          |              |
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| ART UNIT | PAPER NUMBER |
|----------|--------------|

3671

DATE MAILED: 11/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/980,981

Applicant(s)

SCHROEDER, JAMES C.

Examiner

Raymond W. Addie

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 1 is objected to because of the following informalities:

Claim 1, ln. 7 the phrase "so as to pivot and follow the path of said vehicle"; should be --so as to pivot and follow an intended path of said vehicle--. Since the guide wheel is not actually following the vehicle, but is in fact forward of the front of the vehicle.

Claim 1, lines 10-11 recite the phrase "maintain said guide rod on a line to be striped so as to maintain proper placement of said line through curves". Should be --maintain said guide rod on a line to be striped so as to maintain proper placement of a painted line, through curves--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer # 2,575,979 in view of Jones # 5,951,201.

Shaffer discloses a guidance system for use with a vehicle-mounted line striper (14), said guidance system comprising:

A frame (un-numbered, see Fig. 1), for mounting on said vehicle (11) and supporting; 1<sup>st</sup> and 2<sup>nd</sup> guide arms (unnumbered, see Fig. 1), pivotally mounted to the frame.

A ground-contacting guide wheel (unnumbered see Fig. 1) rotatably mounted to said 1<sup>st</sup> guide arm.

A guide rod, extending vertically upwardly from said 1<sup>st</sup> guide arm.

What Shaffer does not disclose is making the guide rods pivotable about a vertical axis such that the guide rod and guide wheel pivot to maintain said guide rod on a line to be striped. However, Jones '201 teaches it is desirable to provide a line striping vehicle, with a line striping guidance system (83) comprising a laterally adjustable guide arm (83) that can pivot about a vertical axis (as illustrated in Fig. 13b); in order to assist the driver with keeping the vehicle and guide arm/rod in the proper position. See col. 10, lns. 39-49. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to provide the guidance system of Shaffer, with laterally adjustable guide arms, as taught by Jones '121, in order to assist the driver and maximize accuracy of the guidance system.

***Response to Amendment***

3. Applicant's amendment to the claim, filed 9/5/2003 is acknowledged. The amendment included functional recitations that the prior art, of the Last Office Action, did not teach nor suggest. Therefore, a New Search of the prior art was necessitated and a New Grounds of Rejection have been put forth.

***Response to Arguments***

4. Although Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection; arguments drawn to the prior art of Shaffer '979 will be addressed.

Applicant argues "Claim 1 also calls for the 2<sup>nd</sup> guide arm to be pivotably attached to the frame and the 1<sup>st</sup> guide arm".

To that extent, Shaffer discloses a guidance system for use with a vehicle-mounted line striper (14), wherein 1<sup>st</sup> and 2<sup>nd</sup> guide arms are pivotally mounted to the frame, but are not pivotably connected to one another with the intended purpose of permitting the guide wheel to pivot and follow an intended path of the vehicle.

However, Jones '201 teaches it is desirable to provide a laterally adjustable guide arm/rod in order to assist the driver with keeping the guide arm/rod in a proper position. Hence, it would have been obvious to provide the guidance system of Shaffer with the laterally adjustable guide arm of Jones in order to maximize the accuracy of the guide rod. Therefore, the rejection is seen as proper and is upheld.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond Addie whose telephone number is (703) 305-0135. The examiner can normally be reached on Monday-Friday from 7:00 am to 2:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached on (703) 308-3870. The fax phone number for this Group is (703) 872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.



**Thomas B. Will**  
**Supervisory Patent Examiner**  
**Group 3600**

**RWA**  
**10/28/2003**